

Petitioner is cautioned that if he wishes to have this Court consider his claims, he must properly present the unexhausted claims he wishes to raise herein to the California Supreme

1 Court within thirty days of the date this order is filed; thereafter, within thirty days of the
2 California Supreme Court's decision, he must file a motion to reopen this action. Further, if
3 petitioner wishes to have this Court consider his claims, he must file an AMENDED
4 PETITION at the same time as the above-described motion to reopen this action. The
5 amended petition must include the caption and civil case number used in this order,
6 No. C 06-2522 MMC (PR), and must include the words AMENDED PETITION on the first
7 page.


8 In the amended petition, petitioner must include all the claims he wishes to present,
9 including both the newly exhausted claims and the cognizable third claim from the present
10 petition. If petitioner simply files a motion to reopen this action, but does not concurrently
11 file an amended petition in compliance with the instructions set forth herein, this action will
12 proceed only on the basis of the third claim in the petition.

13 The Clerk shall ADMINISTRATIVELY CLOSE the file pending the stay of this
14 action.

15 This order terminates Docket No. 9.

16 IT IS SO ORDERED.

17 DATED: December 21, 2006

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19 MAXINE M. CHESNEY
20 United States District Judge
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